



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Menzel et al.

Attorney Docket No. BOEI-1-1017

Serial No.: 10/024,865

Group Art Unit: 3662

Filing Date: December 18, 2001

Examiner: GREGORY, B.

Title: AN AIR LAUNCH SYSTEM INTERFACE

RESPONSE TO OFFICE ACTION

TO THE COMMISSIONER OF PATENTS:

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REMARKS

Claims 1-6 are pending. The Office Action mailed October 4, 2002 rejected Claims 1-6 under 35 U.S.C. § 102. Pursuant to 37 C.F.R. § 1.111, Applicant hereby respectfully requests reconsideration of the application, and allowance of all claims.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 102

The Office Action rejected Claims 1-6 under 35 U.S.C. §102(e) as being anticipated by Leonard et al. Under 35 U.S.C. §103(c), Applicants respectfully traverse these rejections.

35 U.S.C. §103(c) provides that subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

The subject matter of U.S. Patent No. 6,349,898 (the '898 patent), cited as a prior art reference under 35 U.S.C. §102(e), was developed by James Leonard, Robert Menzel, Richard



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